



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,704	12/04/2003	Volkmar Guenzler-Pukall	FP0602.1 US	5297

41385 7590 02/22/2007
FIBROGEN, INC.
INTELLECTUAL PROPERTY DEPARTMENT
225 GATEWAY BOULEVARD
SOUTH SAN FRANCISCO, CA 94080

EXAMINER

TELLER, ROY R

ART UNIT	PAPER NUMBER
----------	--------------

1654

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/729,704		GUENZLER-PUKALL ET AL.	
	Examiner		Art Unit	
	Roy Teller		1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the election, received 12/18/06, with traverse.

Applicant's arguments were found persuasive, groups I and II will be rejoined.

Claims 1-37 are pending.

Information Disclosure Statement

The information disclosure statement, received 8/20/04, is acknowledged. A signed copy is enclosed hereto.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller (EP 0878 480).

The instant claims are drawn to a method to stabilize the alpha subunit of hypoxia inducible factor α (i.e., HIF α) in a subject via administering to said subject a compound that inhibits hydroxylation of hypoxia inducible factor α (i.e., HIF α).

Muller teaches a method to stabilize HIF alpha in an individual via injecting a compound (i.e., iron chelator a or a'-dipyridyl (i.e., DPY)) to inhibit prolyl-4- hydroxylase (Column 4, Lines 49-54; Column 9, Lines 45-48) which is manifested as inhibiting basal membrane formation induced by a lesion of neuronal tissue. Thus, Muller intrinsically teaches that inhibiting prolyl-4-hydroxylase enzyme stabilizes HI-alpha in an individual. Muller also teaches that said inhibitor of prolyl-4- hydroxylase to inhibit formation of basal membrane is administered locally to neuronal tissue, intraventricularly, systemically, intravenously, or orally to prevent/inhibit basal membrane formation induced by a lesion of neuronal tissue (Column 2, Line 8 to Column 11, Line 2). Note that inhibition of said enzyme would intrinsically stabilize the alpha subunit of hypoxia inducible factor (i.e., HIF alpha); because the prior art method teaches inhibition of same enzymes as is recited in instantly claimed invention. (i.e., administering a preparation that for e.g., inhibits lysyl and prolyl-4- hydroxylases enzymes) to stabilize HIF alpha. Furthermore, the prior art methods teach inhibition of said enzymes under *in vitro*, and also under *in vivo* conditions in an animal/mammal/human by administering an inhibitor for said enzyme. Note further that since HIF alpha is stabilized with an inhibitor of prolyl-4- hydroxylase, the prior art methods intrinsically teach a method to stabilize the alpha subunit of hypoxia inducible factor α (i.e., HIF α) in a subject via administering to said subject a compound that inhibits HIF α via inhibiting inhibiting HIF α , any of the HIF α , or 2-oxoglutarate dioxygenase enzyme claimed instantly.

Therefore, the reference is deemed to anticipate the instant claims.

Art Unit: 1654

Conclusion

All claims are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy Teller whose telephone number is 571-272-0971. The examiner can normally be reached on Monday-Friday from 5:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful; the examiner's supervisor, Cecilia Tsang, can be reached on 571-272-0962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RT
1654
1/31/07
RT


ANISH GUPTA
PRIMARY EXAMINER